

The Honorable Ona T. Wang  
United States Magistrate Judge  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

April 21, 2022

RE: *Prospect Capital Corporation v. Silicon Valley Bank*; 1:21-cv-00314-JPC-OTW

Dear Judge Wang:

I write on behalf of Plaintiff Prospect Capital Corporation (“Prospect”) in the above-referenced case.

Mediation is currently scheduled to take place on May 12, 2022. As Your Honor may recall, Prospect served a subpoena for documents on Lovell Minnick Partners (“Lovell Minnick”). Lovell Minnick is the private equity fund that negotiated the transaction at issue in this case, and Prospect believes that Lovell Minnick has in its possession critical documents that are likely not in the possession of defendant Silicon Valley Bank (“SVB”) or any other third-party.

Prospect recently learned that Lovell Minnick will not be able to begin producing documents until April 25 and will not be able to substantially complete its document production until May 9, three days before the mediation is to take place.

Given Lovell Minnick’s key role in the circumstances giving rise to this dispute, Prospect believes that the upcoming Lovell Minnick document production will contain important documents that will facilitate the mediation process.

Accordingly, Prospect respectfully requests a short adjournment of the mediation to enable the parties to review the Lovell Minnick document production prior to the mediation.

SVB would prefer that the mediation remain on May 12, but will not oppose Prospect’s request for an adjournment.

If the Court chooses to adjourn the mediation, the parties are available June 7, 8, and 9, 2022, subject to the Court’s schedule.

Thank you for your consideration.

Respectfully submitted,

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